

FREDERICK COUNTY PLANNING COMMISSION
MEETING OF MARCH 11, 2009
9:30 a.m.

Members Present: Audrey Wolfe, Chairperson; Catherine Forrence, Vice-Chair; Robert White, Secretary; Kai Hagen, Commissioner Liaison; Joe Brown, Richard Floyd, and John McClurkin.

Staff Present: Gary Hessong, Director, DPDR; Stephen O'Philips, Principal Planner; Tolson DeSa, Planner; Nikki Martin, Planner; Kathy Mitchell, Assistant County Attorney; Eric Soter, Director, Planning and Zoning; Mark Depo, Deputy Director, Planning and Zoning Ron Burns, Traffic Engineer; Betsy Smith, Director of DPDR Engineering; Jim Gugel, Chief Planner; and Linda Williamson Development Review Tech..

1. **MINUTES:**

No minutes to approve at this time

2. **PLANNING COMMISSION COMMENTS:**

Mr. White, Mr. Hagen and Mr. Brown spoke about the Priority Funding Areas (PFAs) and the information on the County web site, Mr. Soter addressed their concerns.

3. **AGENCY COMMENTS/AGENDA BRIEFING:**

Mr. Hessong, Director DPDR, spoke on 2 items.

1. New agenda item being added the Consent agenda; this is for APFO-LOU approval or denial.
2. Reminded the Planning Commission members about the March 26, 2009, 2-5 pm joint meeting with the BOCC and the Planning Commission with public comment.

4. ^{NS}
CONSENT AGENDA

- a. APFO Letter of Understanding(LOU) for Frederick Industrial Center, Lots 10R, 11A and 11B – Requesting approval of signed LOU for a preliminary plat for two of the three GC lots on 3.4 acres approved at the January 2009 FcPc Meeting. Located at the northwest quadrant of MD 85 and Grove Road. Zoned: General Commercial (GC), Frederick Planning Region. Tax Map 77 / Parcel 106.
File # S572, AP # 8075, Stephen O'Philips

Decision: Ms. Wolfe made a motion for approval and asked if there were any objections. No objections were stated, and thus, the Consent Agenda item was approved for signature

Yea 7 Nay 0

5. **PRELIMINARY PLAT**

- a. Horan Property – (Continued from the December 2008 Agenda.)
Requesting approval for new section of public road to serve minor subdivision for five lots on 45 acres, located at the terminus of Winmoor Drive in the Knolls of Windsor Subdivision. Zoned: Residential (R-1), Urbana Planning Region. Tax Map 106 / Parcel 6.
File # S553, AP # 8522, Stephen O'Philips

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

The Applicant proposes an extension of a public street system to serve five new lots. The Applicant is requesting approvals for the following:

- ☐ Preliminary Plan (AP # 8522)
- ☐ FRO (AP# 8689)

The Staff finds that:

- 1) This application is not subject to the APFO requirements because it is a minor residential subdivision.
- 2) No formal re-submission has been made during the 90-day continuance period.
- 3) Based upon the lack of re-submission, there is no design upon which to base a finding of compliance with Code.

Recommendation:

Staff recommends denial of this application. The Applicant may submit a new application with a revised design that attempts to fulfill the design considerations suggested by Staff and the FcPc.

Staff Presentation:

Stephen O'Philips, DPDR, presented the Staff Report

Applicant Presentation:

Mr. Rand Weinberg, Esquire, representing the applicant, presented a request to continue the application rather than deny it.

Fran Zeller of Harris, Smariga & Associates, Inc. spoke about a sketch plan design, which was given to Planning Commission for review at meeting.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. Brown made a motion for Horan, AP # 8522 for another continuance up to 90 days, subject to working with staff in accordance with Staff's Findings, Recommendations, and Conditions. 2nd Mr. White.

Yea 6 Nay 1 (Floyd)

6. SITE PLANS

- a. *Westwinds, Section VI, Lot 601* - The applicant is requesting re-approval for 73 townhouse condominiums on 26.55 acres. This site plan was previously approved on April 11, 2007 and is set to expire on April 11, 2009. The applicant resubmitted the previously approved 73 unit condominium proposal with all of the previous conditions addressed. Located at the terminus of Country Club Road in the Lake Linganore PUD. Zoned: Planned Unit Development (PUD); Residential Use, New Market Planning Region. Tax Map 69 / Parcel 29. File # SP-90-12, AP's # 8984, APFO 8986, FRO 8987, Tolson DeSa

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Based upon the discussions in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements once all Staff and agency comments and conditions are complied with or mitigated. Staff has no objection to conditional approval of the site plan.

Recommendations:

Should the FcPc approve this site plan (SP#90-12, AP 8984) for the 73 proposed townhouse condominiums, Staff recommends that the FcPc include the following in the motion for approval:

1. Approval of the building height modification request to allow a height of up to 40 feet.
2. Site plan approval for a period of no longer than two years from today's date.

Staff recommends that the following items be added as conditions of approval:

1. Applicant shall continue to address all agency comments through the completion of this project.

Staff Presentation:

Tolson DeSa, DPDR, presented the Staff Report

Betsy Smith, DPDR, Development Review Director of Engineering, spoke on the road frontage, water, sewer and the roads being private not public.

Mark Depo spoke about the APFO and Recordation of the lots for a Townhouse versus Condominium. And what the purchaser is actually buying the home and not the land around.

Kathy Mitchell, Assistant County Attorney, spoke on the difference between purchases of a Townhouse versus a Condominium.

Applicant Presentation:

Bryan Duncan, partner in the project, spoke about the meetings that have occurred about the golf course, and would like to try and keep the golf course open and that they were open to any suggestions. He presented a letter to the Planning Commission about the HOA and LLA not wanting to add tot lots.

Mr. Scott Miller, Esquire, spoke on the APFO it has been tested, approved and is vested and how the applicant has complied and met all the requirements.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. Brown made a motion for conditional approval with conditions of,

1. Approval of the building height modification request to allow a height of up to 40 feet.
2. Site plan approval for a period of no longer than two years from today's date.

Also adding the following items as conditions of approval:

1. Applicant shall continue to address all agency comments through the completion of this project.
- 2nd Mr. White

Yea 5 Nay 2 (Floyd / Forrence)

- b. Tamko Building Products - The applicant is requesting site plan approval for the addition of a 164 space trailer parking area and the addition of a new raw material delivery road on a 105.76-acre site. Located along English Muffin Way, between New Design Road and Route 85, Zoned: General Industrial (GI); Industrial Use, Adamstown Planning Region, Tax Map 86 / Parcel 8. File # SP78-10 AP's # SITE 6171, APFO 6172, FRO 8908, Tolson DeSa

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan is valid for a period of two (2) years from the date of Planning Commission approval.

There are no APFO failures caused by the proposed development, as there are 0 additional peak-hour trips created by this Site Plan application. Further, any required contribution to any existing escrow accounts within the site development impact area would be \$0.00. The APFO can be granted for a three-year approval period, or for as long as the site plan remains valid, whichever comes first.

Staff has no objection to conditional approval of the site plan.

Recommendations:

Should the Planning Commission conditionally approve this Site Plan SP # 78-10 (AP# 6171, APFO 6172 & FRO 8908) for the proposed Tamko Building Products, the motion for approval should include the following item:

1. Site plan approval for a period of two years from today's date.
2. APFO approval for a period not to exceed three years from today's date, or for as long as the site plan remains valid, whichever comes first.

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.
2. Prior to applying for building and/or grading permits (whichever is applied for first) all FRO mitigation must be provided.
3. Additional landscaping within trailer parking lot. If FCPC requires additional landscaping with trailer parking, Staff recommends a 10' x 50' landscaped island every 30 to 40 spaces.
4. All final access construction details are to be resolved at the Improvement Plan review stage(s). Staff recommends a note be added to the Site Plan stating the above.

Staff Presentation:

Tolson DeSa, DPDR, presented the Staff Report

Ron Burns, DPDR, Development Review Engineering, spoke on the APFO for the site and explained why the site would not generate any measurable weekday AM or PM peak hour traffic and benefit local street by minimizing trucks being stored in the public rights-of-way.

Applicant Presentation:

Tom Madden, of Morris and Richie Associates, spoke on the 10 covered loading dock spots and there are 3 rail loading dock spaces and how the products are received and shipped out. When the plant is running at full efficiency it is producing more products than can be shipped at one time.

Ken Hanes of Tamko, spoke on the jockey trucks and how they serve the operation.

Matt Morgan, of MRA, spoke on the lighting study and how lighting is used in the operation for safety.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. White made a motion for approval with the following items,

1. Site plan approval for a period of two years from today's date.
2. APFO approval for a period not to exceed three years from today's date, or for as long as the site plan remains valid, whichever comes first.

3. Entrancing spacing modification of 300' from gate "A" to Lot 45 on Wedgewood.
4. Loading Space modification for 217 - 10x50 loading space
5. All final access construction details are to be resolved at the Improvement Plan review stage(s). Staff recommends a note be added to the Site Plan stating the above.

and also in accordance with Staff's Findings, Recommendations, and Conditions. 2nd Mr. Brown.

Yea 7 Nay 0

7. **COMBINED PRELIMINARY/FINAL PLAT**

a. Mill Bottom - Requesting approval of three new lots and a remainder in a major subdivision, and a modification per Section 1-16-219(C)(2). Located at the terminus of Highboro Court, off Foggy Bottom Drive. Zoned: Residential (R-1), New Market Planning Region. Tax Map 90 / Parcel 166. File # S791, AP # 4400, Nikki Martin

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Based upon the discussions in this report, and the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements once all Staff and agency comments and conditions are complied with. Should the FcPc approve the three new lots in a major subdivision, Staff will have no objections to the proposed development.

Recommendations:

Should the FcPc approve this Application (S1096, AP2749) the motion for approval should include the following item:

- Approval of the three new lots in a Major Subdivision
- Approval of two new panhandles in a Major Subdivision

Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The Applicant shall add a note to plat stating FcPc approval and date of the approval of the major subdivision.
3. FRO must be mitigated prior to lot recordation.

Staff Presentation:

Nikki Martin, DPDR, presented the Staff Report.

Kathy Mitchell, Assistant County Attorney, spoke on the reversal of the FcPc decision in this case.

Applicant Presentation:

Mr. Rand Weinberg, Esquire, representing the applicant, presented the proposal.

Mr. Vansant of Vanmar, spoke on the history of the property.

Mr. Martin, who resides on Lot 1A, spoke on the existing home and no new driveway is needed.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. Brown made a motion for a continuance of up to 60 days for the Applicant to work with Staff to create some options for lot design and bring the plan back to the Planning Commission 2nd Mr. Hagen

Yea 4 Nay 3(Forrence/Floyd/White)

8. **MINUTES**

Mr. Brown made a motion to approve the minutes as written from the January 14, 2009 meeting. 2nd Mr. White.

Yea 6 Nay 0 Abstained 1(Forrence)

9. **COUNTYWIDE COMPREHENSIVE PLAN UPDATE**

- a. Workshop #24 – Continuation of discussion and preparation of the Draft Comprehensive Plan. Jim Gugel.
- Monocacy River Corridor report
 - Application of the Resource Conservation Plan Designation

Discussion

There were two carry over items from the March 4th workshop to review the following chapter drafts.

Chap. 7 – Serving our Citizens

Jim Gugel reviewed the remaining portions of this chapter not covered on March 4. Comments by the Commission were noted.

Chap. 12 – Implementation

Eric Soter reviewed the format of the chapter including a description of the matrix that will organize the action items by topic rather than by chapter. The Commission had general concurrence with organization of the action items.

Monocacy River Corridor report

Tim Goodfellow reviewed the Monocacy River Corridor report as an informational briefing for the Planning Commission. Following discussion of the issues and strategies staff noted that there is an action item to update the Monocacy River Management Study that would identify possible strategies to address the issues.

Resource Conservation Mapping

Tim Goodfellow presented background on how the RC plan designation has been applied in previous plans and the parameters used to prepare these revisions. Jim Gugel then described the purpose and intent of the plan designation and a recommendation to rename the plan designation from Resource Conservation to Natural Resource Area. The Planning Commission had general concurrence of the purpose and intent statement and the use of the term Natural Resource Area. Staff provided an overview of the mapping revisions relative to the mountain areas and the stream corridors. There was some discussion of the Mason/Dixon properties east of Emmitsburg, which is identified as State green infrastructure hub. A site plan was reviewed in 2008 for proposed development of a golf course on a portion of this 400+ acre forested area. A Natural Resource Area designation is appropriate in this area given the environmental features and qualities that exist. The Planning Commission had general concurrence on the mapping revisions as presented.

Meeting adjourned at 4:09 p.m.

Respectfully Submitted,

Audrey Wolfe, Chairperson

[Handwritten signature] Secretary
Chair was asked

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